



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

1410 North Hilton • Boise, Idaho 83706-1255 • (208) 373-0502

Dirk Kempthorne, Governor  
C. Stephen Allred, Director

December 17, 2003

**Certified mail no.: 7099 3220 0006 2682 6721**  
**RETURN RECEIPT REQUESTED**

Mr. Michael J. Graham  
WROC/PBF and Balance of INEEL Cleanup Project Director  
Bechtel BWXT Idaho, LLC  
PO Box 1625  
Idaho Falls, ID 83415-3206

**SUBJECT:** Notice of Violation Based on the August 25 – 29, 2003 Inspection of the Idaho National Engineering and Environmental Laboratory by the Department of Environmental Quality

Dear Mr. Graham:

The Department of Environmental Quality (DEQ) administers programs designed to ensure that businesses and individuals comply with specific permits and rules designed to protect the citizens and the environment throughout the State. Based on available information, DEQ believes Bechtel BWXT Idaho, LLC (BBWI) and the U.S. Department of Energy (DOE) may have violated such rules and/or permit requirements at the Idaho National Engineering and Environmental Laboratory (INEEL). The purpose of this letter is to notify DOE and BBWI of apparent violations resulting from a Resource Conservation and Recovery Act (RCRA)/Hazardous Waste Management Act (HWMA) inspection at the INEEL on August 25 - 29, 2003, as described in the document enclosed herein.

Please note that DEQ has assessed penalties for the alleged violations based on DEQ policy and/or Idaho law. Violation Number 5 of the enclosed Notice of Violation pertains to the Waste Reduction Operations Complex (WROC)/Power Burst Facility (PBF). DEQ considers Violation Number 5 to be recalcitrant. The violation reflects DOE/BBWI's failure to maintain the secondary containment system (SCS) in a permitted hazardous waste container storage area at the Waste Experimental Reduction Facility (WERF) Waste Storage Building (WWSB). DEQ previously cited DOE and BBWI for failure to maintain the SCS in this area by Warning Letter dated December 9, 2002. DEQ also informed DOE and BBWI of DEQ's position regarding SCS maintenance and repair by letter dated May 7, 2003.

DEQ has previously informed DOE and their contractor of the requirement to remedy deficiencies via Notices of Violation dated May 25, 1999 and August 7, 2000 and the December 9, 2002 Warning Letter. In the resulting Consent Orders and Warning Letter resolution, DOE and their contractor agreed to implement, maintain, and continue to use a documented process to ensure that all deficiencies found on RCRA inspections are properly recorded, tracked, and resolved.

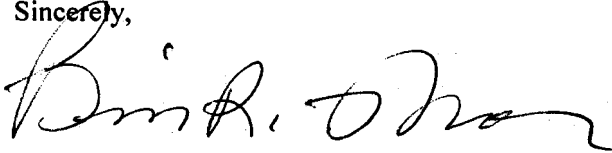
The assessed penalties in the enclosed Notice of Violation reflect the history and seriousness of noncompliance.

DEQ is seeking the cooperation of DOE and BBWI in resolving these matters to the full satisfaction of the parties. DOE and BBWI are advised to contact DEQ within fifteen (15) days after receipt of this letter. At such time, DEQ will schedule a meeting at a mutually agreeable date and time, at which the Notice of Violation can be discussed. If DOE and BBWI elect not to meet with DEQ on the alleged violations, DEQ will seek resolution of these matters using its authorities as provided by law. Arrangements to meet should be made by contacting D. Michael Gregory at (208) 373-0502 or at the following address:

D. Michael Gregory  
Hazardous Waste Enforcement Coordinator  
Hazardous Waste Program  
Waste Management and Remediation Division  
Idaho Department of Environmental Quality  
Boise, Idaho 83706-1255

Thank you in advance for your prompt attention to this matter. DEQ is confident that we can work cooperatively to resolve these issues.

Sincerely,



Brian R. Monson  
Hazardous Waste Program Manager  
Waste Management and Remediation Division

Enclosure

BRM:tg

c: Darrell Early, Deputy Attorney General  
D. Michael Gregory, DEQ Waste Management and Remediation Division  
Robert Bullock, DEQ Waste Management and Remediation Division  
Kathleen Trever, INEEL Oversight  
James S. Johnston, Administrator, Idaho Falls Regional Office  
Carolyn S. Mascareñas, BBWI  
Source File (INEEL, Compliance Enforcement)  
COF